

REMARKS

Claims 1-55 are pending in the present application with claims 6-11, 17-22, 28-33, 39-44 and 50-55 withdrawn. With entry of this Amendment, Applicant amends claims 1, 12, 23, 34 and 45, cancels claims 3, 4, 14, 15, 25, 26, 36, 37, 47 and 48 without prejudice and adds new claims 56 and 57. Reexamination and reconsideration are respectfully requested.

The Examiner rejected claims 3, 4, 14, 15, 25, 26, 36, 37, 47 and 48 under 35 U.S.C. § 112, second paragraph. Applicant has canceled these claims without prejudice.

The Examiner rejected claims 1, 2, 12, 13, 23, 24, 34, 35, 45 and 46 under 35 U.S.C. § 102(a) as being anticipated by JP 2000-163488. The rejection is respectfully traversed for each claim as set forth below. Method claims 12, 13, 34 and 35 are first addressed, then medium claims 45 and 46 and finally system claims 1 and 2 and server claims 23 and 24.

Claims 12 and 13

The present invention, as set forth in claim 12, is directed to a content distribution method applied to a system having a creator terminal, a distribution server and a client terminal. The creator terminal supplies a content item to the distribution server which, in turn, distributes the content item to the client terminal upon a request from the client terminal. To restrict the number of creators supplying content items to the distribution server, the present invention allows a content item to be transmitted to a distribution server for examination. If the level of the work is higher than a predetermined level, the distribution server transmits permission for the creator terminal which created the content item, to register with the distribution server. (See, e.g., the specification at page 15, lines 5-25.)

Applicant has amended claim 12 to recite "transmitting a content item for an examining purpose to said distribution server," "permitting creator registration on the basis of a judgment by an operator of the distribution server when the stored content item for an examining purpose is higher than a predetermined level" and "transmitting permission for creator registration to said creator terminal."

JP '488 does not disclose or suggest these steps. In paragraph 0055, JP '488 discloses that the author can register on his own. There is no disclosure or suggestion of transmitting a content item for examination, permitting registration if the content item is higher than a predetermined level and transmitting permission for registration. In fact, the Examiner noted that JP '488 fails to disclose these steps. (See paragraph 19 at page 5 of the Office Action.) Accordingly, Applicant respectfully submits that claim 12 is not anticipated by JP '488. Claim 13 which depends from claim 12 is also not anticipated by JP '488 for at least these reasons as well.

Finally, Applicant notes that claim 12 has been amended to change "kicking back" to "distributing" to better claim the invention. This amendment has been made to the other pending independent claims.

Claims 34 and 35

Claim 34 is directed to a content distribution method applied to a distribution server. As amended, it recites the steps of "storing a content item for an examining purpose transmitted from the creator terminal," "permitting creator registration on the basis of a judgment by an operator of the distribution server when the stored content item for an examining purpose is higher than a predetermined level" and "transmitting permission for creator registration to said creator terminal." It is believed that JP '488 does not disclose or suggest these steps for at least the reasons discussed above. Claim 35 which depends from claim 34 is also not anticipated by JP '488 for at least these reasons as well.

Claims 45 and 46

Claim 45 is directed to a computer readable recording medium on which is recorded a distribution program applied to a distribution server. The program performs the steps of "storing a content item for an examining purpose transmitted from the creator terminal," "permitting creator registration on the basis of a judgment by an operator of the distribution server when the stored content item for an examining purpose is higher than a predetermined level" and "transmitting permission for creator registration to said creator terminal." It is believed that JP '488 does not

disclose or suggest a medium that has a program that performs the recited steps for at least the reasons discussed above. That is, JP '488 fails to disclose or suggest a medium having the structure of a medium recorded with the program recited in claim 45. Claim 46 which depends from claim 45 is also not anticipated by JP '488 for at least this reason as well.

Claims 1 and 2

Claim 1 is directed to a content distribution system including a creator terminal, a distribution server and a client terminal. As amended, claim 1 recites that the distribution server comprises "content item means for storing the content item for an examining purpose transmitted from the creator terminal" and "registration permitting means for permitting creator registration on the basis of a judgment by an operator of the distribution server when the stored content item for an examining purpose is higher than a predetermined level and transmitting permission for creator registration to said creator terminal."

In rejecting claim 1, the Examiner did not consider certain functional recitations of claim 1 given that claim 1 is directed to a system. (See paragraph 19 at page 5 of the Office Action.) Applicant respectfully notes that the recitations above are means-plus-function recitations. The Examiner accordingly must show that JP '488 discloses the recited functions of the recitations. (See MPEP 2183.) Absent such a disclosure, the claims cannot be anticipated by JP '488. This is indeed the case. For example, JP '488 does not disclose or suggest permitting creator registration on the basis of a judgment by an operator of the distribution server when the stored content item for an examining purpose is higher than a predetermined level and transmitting permission for creator registration to the creator terminal. All that is disclosed in cited paragraph 0055 is that the author can register on his own. Accordingly, Applicant respectfully submits that claim 1 is not anticipated by JP '488. Claim 2 which depends from claim 1 is also not anticipated by JP '488 for at least this reason as well.

Claims 23 and 24

Claim 23 is directed to a content distribution server. As amended, claim 23 recites that the distribution server comprises “content item means for storing a content item for an examining purpose transmitted from the creator terminal” and “registration permitting means for permitting creator registration on the basis of a judgment by an operator of the distribution server when the stored content item for an examining purpose is higher than a predetermined level and transmitting permission for creator registration to said creator terminal.” It is believed claim 23 is not anticipated by JP ‘488 for at least the reason discussed above with respect to claim 1. Claim 24 which depends from claim 23 is also not anticipated by JP ‘488 for at least this reason as well.

Claims 5, 16, 27, 38 and 49

Claims 5, 16, 27, 38 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP ‘488 in view of Lin et al. (U.S. Patent No. 6,366,791). The rejection is respectfully traversed. Lin has been merely cited for its disclosure of a client mobile phone and the receipt of music to the mobile phone. The music is already stored on the server 40 (see Col. 3, lines 49-54 and Fig. 2). Lin is thus not concerned with how that music is created or provided to the server for distribution. Thus, Lin does not make up for the deficiencies of JP ‘488. Applicant respectfully submits that the rejected claims are patentable over JP ‘488 and Lin.

New claims 55 and 56

New claims 55 and 56 depend from claim 1. It is believed that claims 55 and 56 are in condition for allowance for the reasons set forth above as well as for the recitations of claims 55 and 56. Applicant notes that claim 56 recites recitations directed to the authoring tool which was a basis of the restriction requirement. However, it is believed that the claim 56 merely recites a combination and, if the subcombination of claim 1 is in condition for allowance as the Applicant believes, then claim 56 should be in condition for allowance as well.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

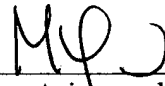
If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032027400.

Dated: July 31, 2006

Respectfully submitted,

By



Mehran Arjomand

Registration No.: 48,231

MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5200